

**MINUTES-MEETING
HOPE TOWNSHIP ZONING BOARD OF ADJUSTMENT
JUNE 4, 2015**

The monthly meeting of the Hope Township Zoning Board of Adjustment convened at 7:45 p.m. at the Hope Township Municipal Building with the following Board Members present: Tom Gabel, Carol Kernoschak, Brian Kathenes, Jan Wargo, Gary Green, and Gil Hankins. Also present were Board Engineer Ted Rodman, Board Attorney Roger Thomas, Board Planner Fred Heyer, and Board Secretary Alfia Schemm.

The meeting was called to order by Chairman Gabel and he led the Board in the Pledge of Allegiance. He announced that the meeting is being held under the provisions of the "Open Public Meetings Act"; adequate notice of the meeting has been provided to the Township's Official Newspaper.

Approval of Minutes:

Ms. Kernoschak made the motion to adopt the minutes of April 2, 2015. Motion seconded by Mr. Kathenes. Roll call vote in favor: Kernoschak, Green, Wargo, Kathenes, and Hankins. Board Member Absent: Gabel

New Business:

#ZB15-001 Sarabjit Singh, Block 3700, Lot 400; Block 3701, Lot 100

Richard Keiling, Esq. was present on behalf of the Applicant. He stated that they have provided notice for this evening's hearing; however, the application is for a Use Variance and he would like to request that the Township Committee appoint a 7th Board Member, as there are only 6 Board Members presently. He stated that they will provide limited testimony this evening and then request that the matter be carried to the next meeting when there is a 7th Board Member appointed. Board Attorney Thomas reviewed the MLUL and the Attorney Keiling's request.

Calisto J. Bertin was sworn in and he provided his qualifications as an Engineer. The following was submitted and marked as an Exhibit:

A-1 Landscaping Rendering, dated June 4, 2015

Mr. Bertin then went on to provide a cursory review of the proposal and the fueling dispensers/island for trucks. The Applicants confirmed that they are not proposing a truck stop as there are no showers, no scales, no restaurant, no overnight parking for tractor trailers, no national accounts, etc. They are offering the truck fueling dispensers as a convenience to accommodate trucks. Board Attorney Thomas suggested that Attorney Keiling provide a written request, pertaining to the appointment of a 7th Board Member, to the Mayor and Committee.

The Board had several questions in regards to the number of dispensers proposed, the number of fueling trucks that can be stacked and cued, trailblazing signs on Route 80, the types of products that are normally sold at convenience store, and the necessary DEP permits. Mr. Bertin stated that they are not part of a chain and there is no restaurant or tables or seating being proposed.

The hearing was opened to the public for the limited testimony provided by Mr. Bertin. Board Attorney Thomas reviewed the procedure. Chairman Gabel also noted that the meeting will conclude at 10:00 p.m.

Jane Primerano questioned the number of proposed parking spaces and the delineations on the map.

Diana Yokaitis questioned the Flood Plain and the proposed fuel tanks and the ingress and egress onto the site.

Steve Siro asked if the proposal is for a 24 hour operation and he also questioned the existing park and ride.

Jennifer Doyle questioned the location and size of the tanks and the stream.

Terry Urfer asked if Fire Trucks would be able fuel up at the site.

Joseph Yokaitis questioned the overflow of traffic and he stated his concern with people throwing trash onto his property.

The Board continued to question the proposal and Chairman Gabel noted a prior application heard by the Board several years ago and he asked if the Applicant was going to present hydrogeology testimony on the aquifer. Mr. Bertin reviewed the DEP regulations and the safety precautions that they propose. Ms. Kernoschak stated that there are concerns over the wells in the area. Chairman Gabel reviewed a portion of a 12-3-03 hydrogeology report that was generated in a prior application. Board Attorney Thomas stated that a copy of that report should be provided to the Applicant. He also stated that what happened in the prior application is not relevant to this application and each application rises and falls on its own merits. Attorney Keiling asked that he get any reports as soon as possible. Board Attorney Thomas reminded the Board that the Board can always retain its own experts if there are concerns. Board Engineer Rodman stated that Mr. Getchell is presently working on a project in Blairstown and might be available. Attorney Keiling stated that he will speak to his client about retaining an expert.

Monica Sabon questioned the circulation and some additional questions in regards to how drainage will be addressed. The Board and the Applicants stated that additional testimony will be presented and many of the issues will be discussed and addressed.

Board Engineer Rodman recommended that the Board take action this evening to retain a Hydrogeologist if there is a concern. Board Attorney Thomas agreed.

Ms. Wargo made the motion to retain a hydrogeologist. Motion seconded by Mr. Green. Roll call vote in favor: Kernoschak, Green, Wargo, Gabel, Kathenes, and Hankins

The Board then discussed the Professionals that might be available. Attorney Keiling stated a concern over retaining an expert that was used in an application that was denied. Board Attorney Thomas stated again that each application rises and falls on its own merits and he is sure that there were several issues in the denial of the prior application. He stated that if Mr. Getchell is retained, he will be reviewing this application and any reports that are generated can be reviewed by the Applicant's own experts and Mr. Getchell would be available for cross examination. He stated again that what happened years ago is not relevant to this application.

Board Attorney Thomas announced that this matter is being carried to July 2nd, at 7:30 p.m., with no further notice being provided.

Vouchers:

	Dolan & Dolan	
Re: Singh		309.19
	Rodman & Associates	
Re: Singh		508.00
Re: General		31.75
Re: Singh		1555.75
	Sara May	
Re: Escrow Refund		279.12

Board Secretary Schemm asked that all Board Professionals provide their billing as soon as possible, so that she can keep track of billing.

Ms. Kernoschak made the motion to pay the vouchers. Motion seconded by Mr. Hankins. Roll call vote in favor: Kernoschak, Green, Wargo, Kathenes, Gabel, and Hankins.

Planning Board Update:

Board Attorney Thomas updated the Board on the status of Affordable Housing.

Other Business:

Hydrogeologist

The Board noted that there were two Hydrogeologists recommended. Board Attorney Thomas stated that the Board can defer retaining an expert to the Board Engineer and the Chair.

Board Members

The Board discussed whether to request the appointment of a 7th Board Member.

Mr. Green made the motion to request that the Township Committee urgently appoint a 7th Board member. Motion seconded by Mr. Hankins. Voice vote in favor: Kernoschak, Green, Wargo, Kathenes, Gabel, and Hankins.

Annual Report

Deferred

Open to the Public:

Christine Rusin had a question in regards to whether the application presently before the Board was filed by an individual or a corporation. Board Attorney Thomas stated that the Applicant is Mr. Singh.

Adjournment:

With there being no further business a motion was made and seconded to adjourn the meeting.

Respectfully Submitted:

Alfia Schemm
Board Secretary